



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 3766

DAC  
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Re Patent Application of:

John D. Puskas

Application No. 10/051,752

Confirmation No. 7521

Filed: January 16, 2002

Examiner: Carl Hernandez Layno

Title: "APPARATUS FOR INDIRECTLY  
STIMULATING THE VAGUS NERVE WITH AN  
ELECTRICAL FIELD"

Attorney Docket No. 065071-9052-04

Mail Stop POST ISSUE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Ellen R. Webb, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Mail Stop POST ISSUE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

*Ellen R. Webb*

Signature

11/22/06

Date of Signature

**REQUEST FOR CORRECTION OF ERROR IN SMALL ENTITY FEES**  
**UNDER 37 C.F.R. § 1.28(c)**

Dear Sir:

Applicant submits that an error in small entity status occurred during the prosecution of United States Patent Application No. 10/051,752 ("the '752 Application"). Applicant respectfully requests that the small entity status established during prosecution be withdrawn. Pursuant to 37 C.F.R. § 1.28(c), Applicant has provided below an explanation of how the small entity status was established in good faith and an explanation of how a loss of entitlement occurred during the prosecution of the '752 Application. Applicant has also provided an itemization of each individual deficiency payment and the total deficiency payment owed, as required by 37 C.F.R. § 1.28(c)(2)(ii). Please charge the total deficiency payment owed and any additional required fees or credit any overpayment to Deposit Account No. 13-3080.

11/28/2006 MBELETE1 00000055 133080 10051752

01 FC:1001		790.00 OP
02 FC:1202	4106.00 DA	894.00 OP
03 FC:1201	1400.00 DA	
04 FC:1051	130.00 DA	
	120.00 DA	

**Explanation:**

When the '752 Application was originally filed, the sole inventor, Dr. John D. Puskas, was under an obligation to assign the invention to Emory University, a small entity institution of higher education under 37 C.F.R. § 1.27(a)(3)(ii)(A). Accordingly, Applicant established the small entity status during prosecution of the '752 Application in good faith. However, later during the prosecution of the '752 Application, the '752 Application was licensed by Medtronic, Inc., a large entity corporation. As a result, a loss of entitlement to small entity status occurred under 37 C.F.R. § 1.27(a)(3)(i).

**Itemization of the deficiency payment:**

Current one-month extension fee for non-small entities	\$120.00
Original one-month extension fee paid on 6/17/2002 at the small entity rate	\$55.00
<b>Deficiency Owed</b>	<b>\$65.00</b>

Current late filing fee surcharge for non-small entities	\$130.00
Original late filing fee surcharge paid on 6/17/2002 at the small entity rate	\$65.00
<b>Deficiency Owed</b>	<b>\$65.00</b>

Current filing fee for non-small entities	\$790.00
Original filing fee paid on 6/17/2002 at the small entity rate	\$370.00
<b>Deficiency Owed</b>	<b>\$420.00</b>

	Per Claim	7 Claims
Current independent claim fee for non-small entities	\$200.00	\$1400.00
Original independent claim fee paid on 6/17/2002 at the small entity rate	\$42.00	\$294.00
<b>Deficiency Owed</b>		<b>\$1106.00</b>

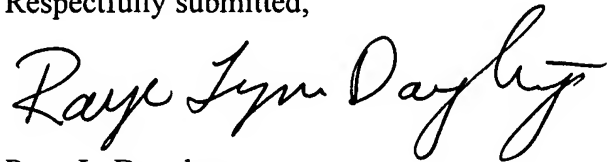
	Per Claim	100 Claims
Current excess claim fee for non-small entities	\$50.00	\$5000.00
Original excess claim fee paid on 6/17/2002 at the small entity rate	\$9.00	\$900.00
<b>Deficiency Owed</b>		<b>\$4100.00</b>

<b>Total Deficiency Owed</b>	<b>\$5696.00</b>
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U.S. Patent Application No. 10/051,752  
Request for Correction of Error in Small Entity Fees  
Request dated Nov. 22, 2006  
Attorney Docket No. 065071-9052-04

In conclusion, Applicant respectfully submits that this Request and the payment of the total deficiency payment owed operates as a notification of loss of small entity status under 35 C.F.R. § 1.28(d).

Respectfully submitted,

A handwritten signature in black ink, reading "Raye L. Daugherty". The signature is written in a cursive, flowing style with a large, prominent "R" and "D".

Raye L. Daugherty  
Reg. No. 47,933

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